

CORRES. CONTROL  
INCOMING LTR NO.

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DATE



Department of Energy

ROCKY FLATS OFFICE  
P.O. BOX 928  
GOLDEN, COLORADO 80402-0928

JUN 26 1992

92-DOE-7218

ACTION	DIST.	LTR	ENC
BENJAMIN, A.			
BERMAN, H.S.			
BRADY, J.A.			
BRANCH, D.B.			
CARNIVAL, G.J.			
COPP, R.D.			
CORDOVA, R.C.			
DAVIS, J.G.			
EVERED, J.E.			
FERRERA, D.W.			
GOODWIN, R.			
HANNI, B.J.			
HEALY, T.J.			
HILBIG, J.G.			
IDEKER, E.H.			
KERSH, J.M.		X	
KIRBY, W.A.			
KRIEG, D.			
KUESTER, A.W.			
LEE, E.M.			
MARX, G.E.			
MORGAN, R.V.			
PIZZUTO, V.M.			
POTTER, G.L.			
SANDLIN, N.B.			
SATTERWHITE, D.G.			
SCHUBERT, A.L.			
SHEPLER, R.L.			
SULLIVAN, M.T.			
SWANSON, E.R.			
WAN, K.G.			
WILSON, R.B.			
WILSON, J.M.			
ZANE, J.O.			

Mr. Martin Hestmark  
U. S. Environmental Protection Agency, Region VIII  
ATTN: Rocky Flats Project Manager, 8HWM-RI  
999 18th Street, Suite 500, 8WM-C  
Denver, Colorado 80202-2405

Mr. Gary Baughman  
Hazardous Waste Facilities Unit Leader  
Colorado Department of Health  
4210 East 11th Avenue  
Denver, Colorado 80220

Gentlemen:

The DOE has considered your offer to informally resolve the dispute concerning OU8, transmitted by your undated letter faxed on June 23, 1992. We understand this offer also resolves all remaining concerns expressed in NOV 92-05-22-01. Efforts to gain concurrence on our response within the DOE have moved us closer to resolution of the issues considered key by all parties. Therefore, I have modified the language in your letter to reflect this additional information. We agree with the following:

All parties to the Interagency Agreement (IAG) agree that the State of Colorado has the authority under paragraphs 239 and 102 of the IAG, to issue a Notice of Violation for violations of the IAG; the action taken in regard to OU 8 was within the scope of this authority.

All parties agree that DOE and its contractors are attempting to make progress in improving the acquisition system (FAR 2.101, Definitions) and procedures for Environmental Restoration (ER) work. However, the present acquisition process continues to hinder implementation of cleanup efforts at Rocky Flats and thus, requires further attention. Use of the streamlined Master Task Subcontracts will begin in July and August 1992. Other opportunities for improvement of this system exist, including use of detailed acquisition planning and contract structuring which can allow subcontractors to perform all phases of ER work within an operable unit. DOE will continue to address streamlining the acquisition planning and contracting mechanisms and will routinely inform EPA and CDH of progress towards ensuring that acquisition planning supports the IAG.

Reviewed for Addressee  
Corres. Control RFP

6-30-92

DATE BY

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- All parties agree that DOE can improve the timeliness and quantity of the information they provide CDH/EPA concerning the acquisition problems as they occur, and progress towards resolving problems. DOE will propose, and all parties will agree on a more reliable mechanism to provide updated status, possibly through formal correspondence or the monthly IAG status report. DOE commits to the use of the agreed upon mechanism which will be proposed at our July 7, 1992 meeting.
- The Organizational Conflict of Interest (OCI) issue is a fundamental concern which is still unresolved. All parties agree that DOE should aggressively pursue detailed acquisition planning to provide for optimum support of IAG commitments. Such planning will require further training of DOE and Contractor staff, and management emphasis to ensure that dialogue between acquisition support and ER staff is productive.

Progress on the acquisition planning issue will be reported at the Monthly managers meeting; resolution is expected within 90 days.

- All parties agree that other Federal agencies may have used a different interpretation of the Federal Acquisition Regulations (FAR). However, the DOE is committed to making the acquisition process support the ER program and IAG, consistent with DOE interpretations of the FAR.

We request your concurrence on this revision to allow resolution of our dispute. Any questions should be directed to me at 966-7846.

Sincerely,



Frazer R. Lockhart  
Director  
Environmental Restoration Division

cc:

A. Rampertaap, EM-453  
T. Vaeth, OOM, RFO  
M. Bishop, AMA, RFO  
K. Izell, OCC, RFO  
J. Hartman, AMEM, RFO

R. Schassburger, ERD, RFO  
B. Thatcher, ERD, RFO  
J. Kersh, EG&G  
M. Arndt, EG&G